

Absent: Clower.

Absent-excused: Longoria, Meier, Traeger, Truan.

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 20 ON  
SECOND READING**

The President laid before the Senate on its second reading:

**C.S.S.R. 20**, Providing for an Intent Calendar during the 66th Legislature.

The resolution was read.

Senator Doggett offered the following amendment to the resolution:

Amend CSSR 20 by inserting the following after the first sentence in the last paragraph:

"The regular order of business, as prescribed by Senate Rule 91, may be followed if the President of the Senate gives notice as prescribed above."

The amendment was read and was adopted.

The resolution as amended was then adopted by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Meier, Traeger, Truan.

**MEMORIAL RESOLUTIONS**

**S.R. 50** - By Farabee: Memorial resolution for Miss Alma De Holland.

**S.R. 51** - By Farabee: Memorial resolution for former Plainview mayor, John D. Stoneham.

**S.R. 52** - By Snelson: Memorial resolution for Mrs. Mary Blanche King.

**S.R. 53** - By Snelson: Memorial resolution for Mrs. Dwight L. Hunter.

**S.R. 54** - By Snelson: Memorial resolution for Julian F. Cole.

**ADJOURNMENT**

On motion of Senator Moore the Senate at 10:32 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, January 29, 1979.

**TENTH DAY**  
(Monday, January 29, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Mengden, Schwartz, Truan.

A quorum was announced present.

The Reverend James K. Denham, University Baptist Church, Austin, offered the invocation as follows:

God of us all,  
Help us to know what is Your will for us today.  
Give us insight so we may understand and perceive it.  
And empower us with strength and courage to carry it out. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 25, 1979, was dispensed with and the Journal was approved.

#### **LEAVES OF ABSENCE**

Senator Mengden was granted leave of absence for today on account of illness in family on motion of Senator Harris.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Mauzy.

#### **CO-AUTHOR OF SENATE BILL 204**

On motion of Senator Vale and by unanimous consent, Senator Schwartz will be shown as Co-author of S.B. 204.

#### **CO-AUTHOR OF SENATE BILL 108**

On motion of Senator Brooks and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 108.

#### **CO-AUTHOR OF SENATE BILL 306**

On motion of Senator Santiesteban and by unanimous consent, Senator Kothmann will be shown as Co-author of S.B. 306.

#### **CO-AUTHOR OF SENATE BILL 222**

On motion of Senator Longoria and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 222.

**CO-AUTHOR OF SENATE BILL 103**

On motion of Senator Doggett and by unanimous consent, Senator Kothmann will be shown as Co-author of **S.B. 103**.

**CO-AUTHOR OF SENATE BILL 287**

On motion of Senator Meier and by unanimous consent, Senator Howard will be shown as Co-author of **S.B. 287**.

**BILL SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

**S.B. 133** (Signed subject to Sec. 49a,  
Article III, Constitution of  
the State of Texas)

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 297** by Mengden State Affairs  
Relating to discrimination in public employment because of age.

**S.B. 298** by Mengden Natural Resources  
Relating to charges by the Parks and Wildlife Department for park services for blind, disabled, and elderly persons.

**S.B. 299** by Harris Human Resources  
Relating to the licensing and regulation of the practice of dentistry and dental hygiene by the Texas State Board of Dental Examiners; and declaring an emergency.

**S.B. 300** by Schwartz Natural Resources  
Relating to applicability of the Uniform Wildlife Regulatory Act to saltwater species of marine life.

**S.B. 301** by Schwartz Natural Resources  
Amending Section 66.213 of the Parks and Wildlife Code to require buoyancy equipment on nets to reduce boating hazards and declaring an emergency.

**S.B. 302** by Schwartz Natural Resources  
Relating to regulation of tidal water commercial finfish fishermen and related criminal penalties.

**S.B. 303** by Schwartz, Vale Education  
Defining certain terms as used herein; prescribing employment contracts of a specified duration for certain teachers in this State; prescribing the causes by which and the procedures by which certain teacher employment contracts may be terminated; providing for review of orders discharging and dismissing certain teachers holding term contracts; providing certain teachers with rights and privileges; providing conditions under which certain teachers may resign; providing penalties against certain teachers for failure to fulfill contract obligations; and declaring an emergency.

**S.B. 304** by Vale Economic Development  
Relating to the inclusion of certain coverages in an insurance contract and providing for endorsements.

**S.B. 305** by Vale Economic Development  
Relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance.

**S.B. 306** by Santiesteban, Kothmann Education  
Relating to the minimum sick leave program for public school employees.

**S.B. 307** by Santiesteban, Truan, Parker, Vale, Longoria Education  
Relating to the provision of textbooks for nonpublic school students; adding Section 12.05 to Chapter 12, Texas Education Code, as amended.

**S.B. 308** by Clower Intergovernmental Relations  
Relating to adoption of programs by political subdivisions to increase participation by minority business enterprises in contract awards; amending Section 1, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-16, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 309** by Clower Intergovernmental Relations  
Relating to the furnishing of surety bonds by contractors; amending Section 2, Chapter 163, Acts of the 42nd Legislature, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 310** by Clower Intergovernmental Relations  
Relating to dissolution of certain Water Control and Improvement Districts where the Districts lie within two or more cities and in unincorporated territory; amending Sections 1, and 2, Chapter 228, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 1182c-5, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 311** by Price Natural Resources  
Relating to the labeling and transportation of agricultural products; providing penalties.

**S.B. 312** by Jones of Harris Economic Development  
Relating to jurisdiction of the Public Utility Commission over electric utility rates, operations, and services; adding Section 18A to the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

**S.B. 313** by Harris State Affairs  
Consolidating the State Board of Registration for Public Surveyors and the State Board of Examiners for Licensed State Land Surveyors into Texas Board of Land Surveying and defining the powers, duties, functions, and administration of said Board; providing offenses and penalties, and declaring an emergency.

**S.B. 314** by McKnight Jurisprudence  
Relating to the qualifications of appellate justices and judges.

**S.B. 315** by McKnight Human Resources  
Relating to inspection of milk and milk products.

**S.B. 316** by Ogg Intergovernmental Relations  
Relating to checking and proving microfilm records filed in a county clerk's office.

**S.B. 317** by Jones of Taylor Finance  
Relating to the authority of the Texas Department of Mental Health and Mental Retardation to transfer funds appropriated for utility expenses.

**S.B. 318** by Patman, Price, Meier Human Resources  
Relating to a program for the relief of certain consumers of residential gas and electricity.

**S.B. 319** by Schwartz Intergovernmental Relations  
Relating to liability insurance for county and precinct peace officers; amending Section 1, Chapter 653, Acts of the 65th Legislature, Regular Session, 1977 (Article 2372h-7, Vernon's Texas Civil Statutes), and declaring an emergency.

**S.B. 320** by Schwartz Jurisprudence  
Relating to the duty of a railroad company with regard to signs and safety devices at grade crossings; amending Article 6370, Revised Civil Statutes of Texas, 1925.

**S.B. 321** by Mengden Economic Development  
Providing for reimbursement to the insured under any policy of insurance, medical service plan, or hospital and medical service contract issued in this state for any service which is within the lawful scope of practice of a duly licensed dentist whenever said policy of insurance, medical service plan, or hospital and medical service contract provides for reimbursement for such service; amending the Texas Insurance Code by adding a new Article 3.69-1; providing for severability; and declaring an emergency.

**S.B. 322** by Mengden Jurisprudence  
Relating to increasing the penalty for violating the provisions of the Texas Controlled Substances Act involving phencyclidine.

**S.B. 323** by Mengden Jurisprudence  
Relating to exempting certain retired law enforcement officers from the prohibition of carrying certain weapons.

**S.B. 324** by Mengden Intergovernmental Relations  
Relating to a required probationary and training period for jailers and guards at county jails; providing penalties.

**S.B. 325** by Mengden Intergovernmental Relations  
Relating to the competency of certain elected city and county peace officers.

**S.B. 326** by Mengden State Affairs  
Relating to the required probationary and training period before certification of a peace officer.

**S.B. 327** by Mengden Intergovernmental Relations  
Relating to the responsibility of a county to provide liability coverage for certain full-time law enforcement personnel.

**S.B. 328** by Mengden Jurisprudence  
Relating to restitution to victims of crime as a condition of probation or parole.

**S.B. 329** by Mengden Jurisprudence  
Relating to the right to carry handguns and certain other weapons while traveling.

**S.B. 330** by Mengden Jurisprudence  
Relating to the effect of a driver's refusing a chemical breath test for intoxication; amending Section 2, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 67011-5, Vernon's Texas Civil Statutes).

**S.B. 331** by Mengden Jurisprudence  
Relating to liability for an injury suffered by a person while committing an unlawful act.

**S.B. 332** by Mengden Jurisprudence  
Relating to the creation and administration of a juvenile awareness program providing information and education about criminal incarceration to delinquent children; adding Article 6166z11 to Title 108, Revised Civil Statutes of Texas, 1925, as amended, and Section 54.042 to Chapter 54, Family Code, as amended.

**S.B. 333** by Schwartz Natural Resources  
Relating to minimum shrimp size restrictions in outside water.

**S.B. 334** by Schwartz Natural Resources  
Relating to the method of measuring shrimp trawls.

**S.B. 335** by Schwartz Natural Resources  
Relating to shrimping in inside water.

**S.B. 336** by Longoria Natural Resources  
Relating to the bay shrimping season.

**S.B. 337** by Santiesteban Jurisprudence  
Relating to defects in indictments and informations; amending Sections 1 and 2, Article 28.01, Code of Criminal Procedure, 1965, as amended; repealing Articles 21.03 and 21.04, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

**S.B. 338** by Santiesteban Jurisprudence  
Relating to the requirement that a defendant give prior written notice to the attorney for the State when the defendant intends to rely on the defense of alibi; amending Code of Criminal Procedure, 1965, as amended, by adding a new Article 27.111; and declaring an emergency.

**S.B. 339** by Harris Economic Development  
Permitting the use of book entry procedure of the Federal Reserve Bank by the Comptroller of Public Accounts, the State Treasurer, or any disbursing officer of an agency authorized to invest its funds directly and eliminating certain time requirements on securities; amending Article 6252-5a, Vernon Texas Statutes; and declaring an emergency.

**S.B. 340** by Farabee

Jurisprudence

Relating to continuous filing of notice of becoming a subscriber to the Workers' Compensation law; requiring notice of cancellation or non-renewal of a workers' compensation insurance policy; amending Sections 18a and 20a, Art. 8308, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 341** by Ogg

Intergovernmental Relations

Relating to termination and reinstatement of membership in policemen's retirement systems in certain cities.

**S.B. 342** by Ogg

Economic Development

Relating to the covering of vehicles hauling loose materials and amending Section 3a, Subsection (d), Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes).

**S.B. 343** by Ogg

Intergovernmental Relations

Relating to policemen's retirement systems in certain cities.

**S.J.R. 30** by Kothmann

Finance

Proposing a constitutional amendment to provide an exemption from certain property taxes on at least \$10,000 of the market value of residential homesteads of persons 65 years of age or older.

**S.J.R. 31** by McKnight

Jurisprudence

Proposing a constitutional amendment relating to the qualifications of justices and judges of the appellate courts of this state.

**S.J.R. 32** by Mengden

Jurisprudence

Proposing an amendment to Article V, Section 26, of the Texas Constitution to grant the state a right of appeal in criminal cases as provided by law.

**HOUSE RESOLUTION ON FIRST READING**

The following resolution received from the House was read the first time and referred to the Committee indicated:

**H.C.R. 21**, To Committee on Jurisprudence.

**REPORT OF STANDING COMMITTEE**

Senator Creighton submitted the following report for the Committee on Economic Development:

**S.B. 159** (Amended)  
**S.B. 127**  
**S.B. 96**  
**C.S.S.B. 10** (Read first time)

**SENATE RESOLUTION 59**

Senator Parker offered the following resolution:

WHEREAS, Monday, January 29, 1979, has been selected as Orange County Day to honor the area and the people of that illustrious county and to recognize their contributions to the State of Texas; and

WHEREAS, Out of East Texas, from the county formerly known as Jefferson, was created Orange County; the year was 1852 and the name was given after an orange grove found flourishing in the early days of settlement; and

WHEREAS, County boundaries are marked to the west by the Neches River, to the east by the Sabine River, and to the south by Sabine Lake; in olden times, when the United States boundary stopped at the Sabine River and the Texas boundaries extended to the Neches, the area between the two rivers came to be known as "No Man's Land," beyond the jurisdiction of either country and a haven for those wishing to escape the restrictions of civilized government; and

WHEREAS, In the late 1860's and early 1870's, the key to settlement and industrial development lay in the seemingly limitless stands of timber; huge logs were floated down the Sabine River from the Big Thicket, eventually to serve as ship masts on the schooners and sailing ships of the day; one such ship that was built in the county seat, Orange, Texas, is currently on display at Sea Wolf State Park; and

WHEREAS, Orange County contains vast mineral wealth in the form of oil, gas, cement, clays, sand, gravel, and other valuable lodes; it is the home of a burgeoning oil-industrial economy; since 1913, Orange County has produced over 100 million barrels of oil; it is a center for petrochemicals, rice milling, seafood processing, and the paper industry; a new railroad has been constructed to the Owens-Illinois paper plant in Orange, Texas; and

WHEREAS, Orange County's tremendous agribusiness potential is based on an abundance of rice, timber, and soybeans and the raising of poultry and cattle; and

WHEREAS, The county has many historic sites within its borders, especially in the county seat of Orange, Texas; Orange is the home of the world's first air-conditioned public building, the "Mothball Fleet" of reserve ships at the Naval Reserve Center, the E. W. Brown Home, the W. H. Stark Mansion and Carriage House, and adjacent to the Stark Mansion, a new developing Civic Plaza with an art museum and a theatre for the performing arts; and

WHEREAS, Since 1962, more tourists have visited Orange County than any other county in the State of Texas in order to take advantage of the tremendous fishing, hunting, and water sports of Orange County; and

WHEREAS, It is appropriate that the Senate of the State of Texas recognize Orange County and its citizens for contributions and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 66th Legislature, commend Orange County and extend to them sincere wishes for a joyous celebration of Orange County Day and of many more such days to come; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Orange County in recognition of this great occasion.

The resolution was read and was adopted.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
January 29, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:



I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE DISTRICT ATTORNEY OF THE 235TH JUDICIAL DISTRICT OF TEXAS, COOKE, JACK, AND WISE COUNTIES, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

MR. BROCK R. SMITH of Bridgeport, Wise County, is replacing the Honorable Jerry W. Woodlock of Gainesville, Cooke County, who resigned.

TO BE ASSISTANT ADJUTANT GENERAL FOR ARMY:

For a two-year term to expire January 16, 1981:

BRIGADIER GENERAL WILLARD D. HILL, JR. of New Braunfels, Comal County, is replacing Brigadier General Willie L. Scott of Austin, Travis County, who was elevated to the position of Adjutant General of Texas.

TO BE ASSISTANT ADJUTANT GENERAL FOR AIR:

For a two-year term to expire January 16, 1981:

BRIGADIER GENERAL BELISARIO D. J. FLORES of San Antonio, Bexar County, is being reappointed.

TO BE JUDGE OF THE 71ST JUDICIAL DISTRICT OF TEXAS, HARRISON COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

MR. EDWARD N. SMITH, JR. of Marshall, Harrison County, is replacing Judge John Furrh of Marshall, Harrison County, who resigned.

Respectfully submitted,

/s/W. P. Clements, Jr.  
Governor of Texas

#### SENATE BILL 106 ON SECOND READING

Senator Farabee moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 106** be taken up for consideration at this time:

**S.B. 106**, Relating to the time limits for the state to be ready for trial in certain misdemeanor offenses.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read second time and was passed to engrossment.

#### SENATE BILL 106 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 106** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read third time and was passed.

#### **SENATE BILL 67 ON SECOND READING**

Senator Ogg moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 67** be taken up for consideration at this time:

**S.B. 67**, Relating to the time, place and notice of county and municipal bond elections; amending Article 704, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 67 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 67** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read third time and was passed.

#### **SENATE BILL 83 ON SECOND READING**

Senator McKnight moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 83** be taken up for consideration at this time:

**S.B. 83**, Relating to a supplemental appropriation to the State Board of Registration for Professional Engineers for construction of a building and related expenses. (Submitted by Governor as an emergency.)

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 83 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 83** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mengden, Schwartz, Truan.

#### **SENATE RULE 94(g)(5) SUSPENDED**

On motion of Senator Mauzy and by unanimous consent, Senate Rule 94(g)(5) was suspended in order that the Committee on Education might consider at their meeting on Wednesday morning, January 31, 1979, the following joint resolutions:

**S.J.R. 3**  
**S.J.R. 7**  
**S.J.R. 15**  
**S.J.R. 24**  
**S.J.R. 26**

#### **MEMORIAL RESOLUTIONS**

**S.R. 55** - By Farabee: Memorial resolution for Mrs. Vivian Lee.

**S.R. 57** - By Howard: Memorial resolution for Armstead Hershel Chamness.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 33** (Brooks): Extending congratulations to Mickey Gilley.

**S.R. 56** - By Ogg, Jones of Harris, Brooks, Williams, Mengden: Extending congratulations to The University of Houston Cougars.

**S.R. 58** - By Ogg: Extending congratulations to 1978 Stratford High School Spartans.

#### **ADJOURNMENT**

On motion of Senator Moore the Senate at 11:32 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **APPENDIX**

Sent to Governor

(January 29, 1979)

**S.C.R. 9**